IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3048 OF 2005
IN
CRI.APPEAL NO. 587 OF 2003

Mrs.Geeta Raghunath
Patil ...Applicant

Vs.

Mr.Prakash Ganpat More
& Anr. ..Respondents

...

Mr.S.B.Ghorpade Advocate for Applicant
Respondent Prakash Ganpat More present in person
Mr.M.S.Mhambary,A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JUNE 21 2005

P.C.

1. Heard the learned advocate for the applicant, the respondent no.1 in person and the learned A.P.P. for the State.

2. The applicant has stood as surety for the respondent no.1 i.e. original accused Prakash Ganpat More who was accused in Sessions Case No.

1154 of 1995. The said case pertains to C.R.No. 72 of 1995 of Bhoiwada Police Station. In the said case, the accused Mr.Prakash More has been convicted under Section 307 of IPC and sentenced to R.I. for five years. In respect of conviction and sentence, Mr.Prakash More preferred Cri.Appeal No. 587 of 2003 before this Court. The said appeal has been admitted and bail has been granted to the accused in the said appeal. The applicant has stood surety for the appellant Mr.Prakash More in respect of the bail granted in this appeal.

3. It is the case of the applicant who stood surety for the respondent no.1 Prakash more that she is the real sister of the accused Prakash More and the accused Prakash More has started harassing and giving her threats. It is stated that the accused Prakash More has started abusing her, he frequently comes to the house of applicant and he abuses her in filthy language and gave her threats to commit serious offences if he is not provided money for his drink. In such circumstances, she wishes to withdraw her surety.

4. I have heard the appellant i.e. original accused Mr.Prakash Ganpat More who is personally present before this Court. He has stated that he has no objection to the applicant withdrawing her surety. He has further stated that he does not wish to furnish any fresh surety and he is willing to go back to Jail. In this view of the matter, the respondent no.1 original accused Mr.Prakash More is directed to surrender before Bhoiwada Police Station who shall send him to the concerned Jail. Mr.Prakash More submits that he will surrender to concerned Police Station on 24th June, 2005.

5. In view of the above, the application is allowed in terms of prayer clause (b).

[V.K.TAHILARAMANI,J.]